

24(09)/2022-D(WE)/Res-1
Government of India
Ministry of Defence
D/o Ex-Servicemen Welfare
D(WE)

New Delhi, Dated: 7.03.2023

To

Shri Anirban Chakraborty
2 No. Motilal Colony
PO- Rajbari Colony, Kolkata
West Bengal-700081

Subject :-Seeking information under RTI Act 2005 in case of Shri Anirban Chakraborty.

Reference CO, ECHS letter No. B/49714-RTI/AG/ECHS dated 28th Feb 2023 enclosing reply to Sh. Anirban Chakraborty in response to his RTI application No. DEXSW/R/E/23/00075 dated 13.02.2023.

2. It is informed that reply furnished by CO, ECHS vis-à-vis queries raised by RTI applicant in his application dated 13.02.2023 has been examined in accordance with the provisions contained in RTI Act, 2005. Accordingly, following aspects have been noticed:-

i. that the individual has not sought for any specific "**information**" (as defined under Sec 2(f) of RTI Act, 2005) because he has not sought for any material in any form including records, documents, memos, e-mails etc. Rather, it is seen that the applicant has given direction to the Public Authority by mentioning the term "**Gather the records of all the disposed/ cleared/ non pending cases by or against the ECHS in the High Courts, The Supreme Court, the District Fora etc.**" As such RTI applicant does not have power to give any direction to Public Authority within the jurisdiction of the RTI Act, 2005 & rather it is incumbent upon him to seek "information" only under Sec 2(f) of RTI Act, 2005. In case he finds any lacuna in the system, then he may lodge complaint against different authorities, if any systematic infirmities are noticed by him. Also, such complaint may only be lodged at CVC at its portal (cvc.nic.in) or in written form. Because, Public Authority only has the responsibility of providing information to RTI applicant under RTI Act, 2005, while other agencies have different responsibilities of gathering or uploading information, as & when these are mandated under law. RTI applicant discuss about activities, which are to be taken by such different authorities. These different authorities will however work in tandem with Public Authority/ CPIO for improving the system in such a manner so that "information" can be disseminated in public interest to the larger benefits of the society.

Contd...

Therefore, suggestion of RTI applicant has been taken into cognizance. In this context, it is seen that the reply given by CO, ECHS is correct to the extent this has been given in term of provision contained in Sec 2(f) of RTI Act, 2005. However CO, ECHS should indicate Sec 2(f) invariably in all their correspondences.

ii. that the individual has not sought for any specific information (as defined under Sec 2(f) of RTI Act, 2005) because he has not sought for any material in any form including records, documents, memos, e-mails etc. Rather, it is seen from the applicant has given direction to the public authority by mentioning "**Publish in the websites of the ECHS and the DESW the following amounts relevant to the period: since inception of the ECHS i.e. the year 2003 and till date etc.**" As such RTI applicant does not have power to give any direction to Public authority within the jurisdiction of the RTI Act, 2005 & rather it is incumbent upon him to seek information only under Sec 2(f) of RTI Act, 2005. In this context, it is seen that the reply given by CO, ECHS is correct to the extent this has been given in term of provision contained in Sec 2(f) of RTI Act, 2005.

iii. In this query, the RTI applicant has not sought any information and rather requests or guides the Public Authority to take action in accordance with Section 4(1)(b)(xvii) and 4(2) of RTI Act, 2005. Even he does not make any complaint against Public Authority & rather apprises about the provisions under the above mentioned Section 4(1)(b)(xvii) & 4(2) of RTI Act, 2005 & requests for taking action for updation of information in ECHS & DESW. This opinion of RTI applicant is praiseworthy & has been taken cognizance for optimization in future Endeavour by the Public Authority.

iv. The query raised by RTI applicant is again not an information under Section 2(f) of RTI Act, 2005. RTI applicant seeks details of officials with whom the RTI beneficiaries may file complaints in the event of any grievances. To this extent the reply furnished by CO, ECHS seems proper. Hence the issue appears resolved.

3) In view of the above, RTI application is disposed off & a copy of CO, ECHS letter dated 28.02.2023 is attached herewith for perusal.

Encl: As above



(NK Panda)

Dy. Director, D(WE)
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Deputy Director (WE)

Copy to:- CO, ECHS